

**Sec. 309.8. Racetrack License Fees**

(a)-(b) (No change.)

(c) Annual License Fee.

~~[(1) Active License Fee for State Fiscal Year Ending August 31, 2007. An association that is licensed and that is conducting live racing or simulcasting shall pay an annual active license fee. The fee is due to the Commission on April 16, 2007, for the State fiscal year ending August 31, 2007. The active license fee for a greyhound racing association is \$80,000. The active license fee for a horse racing association is:]~~

~~[(A) for a Class 1 racetrack, \$27,500,]~~

~~[(B) for a Class 2 racetrack, \$15,000, and]~~

~~[(C) for a Class 3 or 4 racetrack, \$5,000.]~~

(1) ~~[(2)]~~ Active License Fee for State Fiscal Years Beginning September 1, 2007, and thereafter. An association that is licensed and that is conducting live racing or simulcasting shall pay an annual active license fee. The fee is due to the Commission on January 31 of each State fiscal year. The active license fee for a greyhound racing association is \$175,000. The active license fee for a horse racing association is:

(A) for a Class 1 racetrack, \$45,000;

(B) for a Class 2 racetrack, \$15,000; and

(C) for a Class 3 or 4 racetrack, \$5,000.

(2) ~~[(3)]~~ Inactive License Fee for State Fiscal Year Ending August 31, 2009~~[7]~~. An association that is licensed but is not conducting live racing or simulcasting shall pay an inactive license fee in two separate payments. The fee is due to the Commission on September 1, 2008 and March 15, 2009 ~~[April 16, 2007]~~, for the State fiscal year ending August 31, 2009~~[7]~~. The total inactive license fee for a greyhound racing association is \$150,000 ~~[\$125,000]~~ to be paid \$125,000 on September 1, 2008 and \$25,000 on March 15, 2009. The total inactive license fee for a horse racing association is:

(A) \$150,000 for a Class 1 racetrack, to be paid \$125,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$125,000];~~

(B) \$100,000 for a Class 2 racetrack, to be paid \$75,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$55,000];~~ and

(C) \$50,000 for a Class 3 or 4 racetrack, to be paid \$25,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$25,000]~~.

## Title 16, Part VIII

## Chapter 309. Racetrack Licenses and Operations

## Subchapter A. Racetrack Licenses

1       (3)[~~4~~] Inactive License Fee for State Fiscal Years  
2 Beginning September 1, 2009[7], and thereafter. An  
3 association that is licensed but is not conducting live  
4 racing or simulcasting shall pay an inactive license fee.  
5 The fee is due to the Commission on September 1 of each  
6 year. The inactive license fee for a greyhound racing  
7 association is \$150,000~~[\$125,000]~~. The inactive license fee  
8 for a horse racing association is:

9               (A) for a Class 1 racetrack, \$150,000~~[\$125,000]~~;

10              (B) for a Class 2 racetrack, \$100,000~~[\$75,000]~~;

11 and

12              (C) for a Class 3 or 4 racetrack, \$50,000  
13 ~~[\$25,000]~~.

14 (d)-(e) (No change.)

**309.11. Fees for Requests to Approve a Transfer of Pecuniary Interests**

(a) General Provisions. A license holder who requests Commission approval to transfer a pecuniary interest in a racetrack license must submit with the request a fee in an amount set by the Commission.

(b) Fees.

(1) The request fee is composed of a variable processing charge and investigation charge. The processing charge is the amount needed by the Commission to cover the administrative costs of processing the request. The investigation charge is the amount needed by the Commission to cover the costs incurred by the Department of Public Safety and Commission staff for conducting the background investigation on the proposed transferee. A license holder must pay all charges contemporaneously with filing the request. The Commission will take no action on a request under this section unless the requestor submits the total amount of the request fee with the request. The Commission shall hold the request fee in the state treasury in a suspense account. The Commission may transfer the processing funds due to the Commission to the Texas Racing Commission Fund as costs are incurred. If the actual costs to the Commission of processing the request or conducting the investigation exceed the amount deposited for the applicable charge, the requestor shall pay the remaining amount not later than 10 business days after receipt of a bill from the Commission. If the costs of processing the request or conducting the investigation are less than the amount of the charge, the Commission shall refund the excess not later than 10 business days after the Commission's decision on the request becomes final.

(2) The fees for a request for Commission approval to approve a transfer of pecuniary interests in a racetrack license that effects a change in the controlling interest of that license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$50,000;
- (ii) for a Class 2 racetrack, \$25,000;
- (iii) for a Class 3 racetrack, \$10,000; and
- (iv) for a Class 4 racetrack, \$2,500.

(B) The amount to be deposited for the investigation charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$25,000;

- 1                   (ii) for a Class 2 racetrack, \$10,000;
- 2                   (iii) for a Class 3 racetrack, \$1,500; and
- 3                   (iv) for a Class 4 racetrack, \$1,000.

4           (C) The amount to be deposited for the processing  
5 charge for a greyhound racetrack request is \$50,000.

6           (D) The amount to be deposited for the  
7 investigation charge for a greyhound racetrack request is  
8 \$25,000.

9           (3) The fees for a request for Commission approval to  
10 approve a transfer of pecuniary interests of 5.0% or more  
11 in a racetrack license, but that does not effect a change  
12 in the controlling interest of that license, are as  
13 follows:

14                   (A) The amount to be deposited for the processing  
15 charge for a horse racetrack request is:

- 16                   (i) for a Class 1 racetrack, \$500;
- 17                   (ii) for a Class 2 racetrack, \$250;
- 18                   (iii) for a Class 3 racetrack, \$100; and
- 19                   (iv) for a Class 4 racetrack, \$50.

20           (B) The amount to be deposited for the  
21 investigation charge for a horse racetrack request is:

- 22                   (i) for a Class 1 racetrack, \$1,000;
- 23                   (ii) for a Class 2 racetrack, \$500;
- 24                   (iii) for a Class 3 racetrack, \$250; and
- 25                   (iv) for a Class 4 racetrack, \$125.

26           (C) The amount to be deposited for the processing  
27 charge for a greyhound racetrack request is \$500.

28           (D) The amount to be deposited for the  
29 investigation charge for a greyhound racetrack license  
30 request is \$1,000.

31           (4) The fees for a request for Commission approval to  
32 approve a transfer of pecuniary interests of less than 5.0%  
33 in a racetrack license and that does not effect a change in  
34 the controlling interest of that license are as follows:

35                   (A) The amount to be deposited for the processing  
36 charge for a horse racetrack request is:

- 37                   (i) for a Class 1 racetrack, \$100;
- 38                   (ii) for a Class 2 racetrack, \$100;
- 39                   (iii) for a Class 3 racetrack, \$50; and
- 40                   (iv) for a Class 4 racetrack, \$25.

41           (B) The amount to be deposited for the  
42 investigation charge for a horse racetrack request is:

- 43                   (i) for a Class 1 racetrack, \$500;
- 44                   (ii) for a Class 2 racetrack, \$250;
- 45                   (iii) for a Class 3 racetrack, \$125; and

- 1                    (iv) for a Class 4 racetrack, \$50.
- 2                    (C) The amount to be deposited for the processing
- 3 charge for a greyhound racetrack request is \$100.
- 4                    (D) The amount to be deposited for the
- 5 investigation charge for a greyhound racetrack request is
- 6 \$500.

**Sec. 309.12. Fees for Requests to Approve Change of Location**

(a) General Provisions. A license holder who requests Commission approval to change the location of a racetrack license must submit with the request a fee in an amount set by the Commission.

(b) Fees.

(1) The request fee is composed of a variable processing charge. The processing charge is the amount needed by the Commission to cover the administrative costs of processing the request. A license holder must pay all charges contemporaneously with filing the request. The Commission will take no action on a request under this section unless the requestor submits the total amount of the request fee with the request. The Commission shall hold the request fee in the state treasury in a suspense account. The Commission may transfer the processing funds due to the Commission to the Texas Racing Commission Fund as costs are incurred. If the actual cost to the Commission of processing the request exceeds the amount deposited for the applicable charge, the requestor shall pay the remaining amount not later than 10 business days after receipt of a bill from the Commission. If the costs of processing the request are less than the amount of the charge, the Commission shall refund the excess not later than 10 business days after the Commission's decision on the request becomes final.

(2) The fees for a request for Commission approval to change the location of a racetrack license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

(i) for a Class 1 racetrack, \$100,000;

(ii) for a Class 2 racetrack, \$50,000;

(iii) for a Class 3 racetrack, \$15,000; and

(iv) for a Class 4 racetrack, \$7,500.

(B) The amount to be deposited for the processing charge for a greyhound racetrack request is \$100,000.

1 **Sec. 311.5. License Fees.**

2 (a)-(b) (No change.)

3 (c) The fee for an occupational license is as follows:

Type of License	1 Year Fee	2 Year Fee	3 Year Fee
Adoption Program Personnel	<u>\$25</u> [\$20]		
Announcer	<u>\$35</u> [\$25]		
Apprentice Jockey	<u>\$75</u> [\$55]		
Assistant Farrier/Plater/Blacksmith	<u>\$25</u> [\$20]		
Assistant Starter	<u>\$25</u> [\$20]		
Assistant Trainer	<u>\$100</u> [\$75]		
Assistant Trainer/Owner	<u>\$100</u> [\$75]		
Association Assistant Management	<u>\$50</u> [\$35]		
Association Management Personnel	<u>\$75</u> [\$50]		
Association Officer/Director	<u>\$100</u> [\$75]		
Association Other	\$50		
Association Staff	<u>\$35</u> [\$25]		
Association Veterinarian	<u>\$75</u> [\$50]		
Authorized Agent	<u>\$15</u> [\$10]		
Chaplain	<u>\$25</u> [\$20]		
Chaplain Assistant	<u>\$25</u> [\$20]		
Exercise Rider	<u>\$25</u> [\$20]		
Farrier/Plater/Blacksmith	<u>\$75</u> [\$55]		
Groom/Hot Walker	<u>\$25</u> [\$20]		
Jockey	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]

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Division 1. Occupational Licenses

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Jockey Agent	<u>\$100</u> [\$75]		
Kennel	<u>\$75</u> [\$50]		
Kennel Helper	<u>\$25</u> [\$20]		
Kennel Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Lead-Out	<u>\$25</u> [\$20]		
Maintenance	<u>\$35</u> [\$20]		
Medical Staff	<u>\$35</u> [\$25]		
Miscellaneous	<u>\$25</u> [\$20]		
Multiple Owner	<u>\$35</u> [\$25]	<u>\$70</u> [\$50]	<u>\$100</u> [\$75]
Mutuel Clerk	<u>\$35</u> [\$25]		
Mutuel Other	<u>\$35</u> [\$25]		
Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Pony Person	<u>\$25</u> [\$20]		
Racing Industry Representative	<u>\$100</u> [\$75]		
Racing Industry Staff	<u>\$30</u> [\$25]		
Racing Official	<u>\$50</u> [\$25]		
Security Officer	<u>\$30</u> [\$25]		
Stable Foreman	<u>\$50</u> [\$25]		



Tattooer	<u>\$100</u> [\$75]		
Test Technician	<u>\$25</u> [\$20]		
Tooth Floater	<u>\$100</u> [\$75]		
Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Training Facility Employee	<u>\$30</u> [\$25]		
Training Facility General Manager	<u>\$50</u> [\$25]		
Valet	<u>\$25</u> [\$20]		
Vendor Concessionaire	<u>\$100</u> [\$75]		
Vendor/Concessionaire Employee	<u>\$30</u> [\$25]		
<u>Vendor Totalisator</u>	<u>\$500</u>		
<u>Vendor/ Totalisator Employee</u>	<u>\$50</u>		
Veterinarian	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Veterinarian Assistant	<u>\$30</u> [\$25]		

**Sec. 311.104. Trainers.**

(a) Licensing.

(1) (No change.)

(2) The standard for passing the written examination must be printed on the examination. A \$50 non-refundable testing fee is assessed for administering the written and practical examinations. The fee is due and payable at the time the first examination appointment is scheduled. A minimum of 48 hours advance notice is required to reschedule an examination appointment without loss of the testing fee. An applicant who fails to timely reschedule an examination appointment must pay a new testing fee to reschedule the appointment. An applicant who fails the written examination may not take the examination again before the 60th day after the date the applicant failed the examination. An applicant who fails the practical examination may not reschedule the practical examination again before the 180th day after the applicant failed the practical examination. An applicant who fails the practical examination for a second time may not reschedule another practical examination for 365 calendar days after the day the applicant failed the first practical examination and the applicant must pay an additional \$50 non-refundable testing fee. The Commission may waive the requirement of a written and/or practical examination for a person who has a current license issued by another pari-mutuel racing jurisdiction. If a person for whom the examination requirement was waived demonstrates an inability to adequately perform the duties of a trainer, through excessive injuries, rulings, or other behavior, the stewards or racing judges may require the person to take the written examination. If such a person fails the examination, the stewards or racing judges shall suspend the person's license for 60 days with reinstatement contingent upon passing the written examination.

(3)-(4) (No change.)

(b)-(k) (No change.)

Title 16, Part VIII

Chapter 315. Officials and Rules for Greyhound Racing

Subchapter A. Officials

Division 1. Appointment of Officials

**315.1. Required Officials**

(a) The following officials must be present at each greyhound race conducted in this state:

- (1) at least two [~~three~~] racing judges;
- (2) a commission veterinarian;
- (3) an association veterinarian;
- (4) a racing secretary;
- (5) an assistant racing secretary;
- (6) a paddock judge;
- (7) a starter;
- (8) a clerk of scales;
- (9) a mutuel manager;
- (10) a chart writer;
- (11) a photofinish operator and timer;
- (12) a kennel master; and
- (13) a mechanical lure operator.

(b)-(c) (No change.)



VIA EMAIL AND REGULAR MAIL

March 10, 2009

Mrs. Charla Ann King  
Executive Director  
Texas Racing Commission  
P.O. Box 12080  
Austin, TX 78711-2080

Dear Charla Ann:

On behalf of Sam Houston Race Park I would like to voice our concerns to the Commission's proposed changes to Rule 311.5 regarding Occupational License Fees. Current fee levels which include a \$12 increase just last month as a result of new fingerprinting procedures are already excessively burdensome and make it challenging to recruit a competent seasonal workforce.

Sam Houston Race Park and horsemen compete with non regulated industries that require no upfront payments from employees before they begin work. Specifically, increasing fees for certain association staff members, grooms, hot walkers and charity funded positions such as adoption program personnel and chaplains is increasing taxes on individuals who provide some of the most critical services to the industry yet earn the least.

For your reference, I have outlined the impact of recent and proposed changes to a typical new hire in the food and beverage department at Sam Houston Race Park. Under the proposed rule change, he or she will be required to pay over \$70 in fees before he or she works a single hour at the Park. This represents a significant increase in less than a years time for an employee that may earn as little as \$7.50 per hour.

**Sample Fees – NEW Food and Beverage Employee at SHRP 2009 v 2007**

	2009	2007	+/-
Proposed Association Occupational Licenses	\$35	\$25	\$10
Finger Printing Fee (New in Feb 2009)	12	-	12
TABC Certification	25	20	5
	<u>\$72</u>	<u>\$45</u>	<u>\$27</u>

The industry continues to struggle with external pressures brought about by the worsening economy, local competition, online wagering and racinos in bordering states. Burdening employees, horsemen and associations with additional fees at this critical time will only serve to accelerate the current economic decline, drive horsemen out of Texas and further erode our ability to recruit a competent workforce.

SAM HOUSTON RACE PARK LTD.

7575 North Sam Houston Parkway West, Houston, TX, 77064 • 281.807.8700 • shrp.com

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I understand the Commission's need for additional revenue and feel that some licenses may be able to absorb minimal increases. However, I do not believe the place to look for additional revenue is in the pockets of those who can least afford it. Therefore, I kindly ask that you reconsider this proposed rule change.

Please feel free to contact me directly should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. B. Young', with a long, sweeping horizontal line extending to the right.

Andrea B. Young  
President and Chief Operating Officer

Cc: Mark Fenner, Texas Racing Commission  
Eric Johnston, Sam Houston Race Park  
Dwight Berube, Sam Houston Race Park



TEXAS RACING COMMISSION  
8505 Cross Park Dr. #110  
Austin, Texas 78711  
512-833-6699  
512-833-6907 FAX

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**To:** Rules Committee  
Racetrack General Managers  
Department of Public Safety, Captain Wynn Reynolds  
Jockey Guild, Johnny Beech  
Texas Arabian Breeders' Association, Ed Wilson  
Texas Greyhound Association, Diane Whiteley  
Texas Horsemen's Partnership, L.L.P.  
Terry Blanton, Director of Race – Thoroughbred  
Tooter Jordan, Director of Race – Quarter Horse  
Texas Paint Horse Breeders Association, Bruce Grider  
Texas Quarter Horse Association, Robert Werstler  
Texas Thoroughbred Association, Dave Hooper

**From:** Charla Ann King, Executive Director

**Date:** March 26, 2009

**Subject:** Rule Review for Chapters 307, 313, and 315

Chapters 307, 313, and 315 are being reviewed in accordance with Texas Government Code Section 2001.039. The Commission is required to review and consider for re-adoption each rule to ensure that the reasons for initially adopting the rule still exist. Listed below are the rules identified by staff which may require amendment. Each rule is followed by the relevant Racing Commissioners International Model Rule. See [www.txrc.state.tx.us/laws/racing\\_rules.php](http://www.txrc.state.tx.us/laws/racing_rules.php) to view the Commission's Rules. See [www.arci.com](http://www.arci.com) to view the Model Rules of the Racing Commissioners International.

Your input is vital to this process. Please review these chapters and be prepared to submit your ideas and suggestions regarding these rules, or any others within these chapters, at the April 2, 2009, Rules Committee meeting.

### CHAPTER 313

#### 313.24 Records and Reports

Model Rule: ARCI-006-015(I) - Stewards

#### 313.41 Racing Secretary

Model Rule: ARCI-006-020 - Racing Secretary

313.49 Starter

Model Rule: ARCI-006-050(A) Starter

313.59 Assistant Starters

Model Rule: ARCI-006-050(B) - Assistant Starters

313.101 Entry Procedure

Model Rule: ARCI-010-010 - Entries and Nominations

313.106 Closing Entries

Model Rule: ARCI-010-010(F) - Entries and Nominations - Closings

313.301 Eligibility to Claim

Model Rule: ARCI-009-015 - Claiming Of Horses

Model Rule: ARCI-022-015 - Owners

313.302 Claim Procedure

Model Rule: ARCI-009-030 – Procedure for Claiming

313.406 Colors and Numbers

Model Rule: ARCI-010-035(B) - Running of the Race - Racing Numbers

309.293 Saddle Cloth

Model Rule: ARCI-010-035(B) Running of the Race - Racing Numbers

311.216 Conduct in the Stable Area

Model Rule: ARCI-022-010 General Provisions - Safety Helmets

313.441 The Start

Model Rule: ARCI-010-035(E) - Running of the Race - Post to Finish

313.505 Workout Requirements

313.507 Employees of Training Facilities

## CHAPTER 315

### 315.4 Dual Appointments

Model Rule: ARCI-006-010(G) General Provisions – Racing Officials - Appointment

### 315.35 Clerk of Scales

Model Rule: ARCI-017-045 - Weights and Weighing

### 315.37 Racing Secretary

Model Rule: ARCI-013-025 - Racing Secretary

### 315.41 Photofinish Operator and Timer

### 315.105 Stakes Race

Model Rule: ARCI-017-030 – Entries

Model Rule: ARCI-017-035 - Withdrawals and Scratches

### 315.204 Paddock to Post

Model Rule: ARCI-013-075 - Lead-Outs